

## HOUSE BILL NO. 236

INTRODUCED BY JACKSON

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE CLARK FORK RIVER BASIN TASK FORCE; PROVIDING DIRECTION ON TASK FORCE RESPONSIBILITIES IN THE FUTURE; AMENDING SECTION 85-2-350, MCA; REPEALING SECTION 6, CHAPTER 447, LAWS OF 2001, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 85-2-350, MCA, is amended to read:

**"85-2-350. (Temporary) Clark Fork River basin task force -- duties -- water management plan. (1)**

The governor's office shall designate an appropriate entity to convene and coordinate a Clark Fork River basin task force to prepare ~~a water management plan for the Clark Fork River basin pursuant to~~ PROPOSED AMENDMENTS TO THE STATE WATER PLAN PROVIDED FOR UNDER 85-1-203 RELATED TO THE CLARK FORK RIVER BASIN.

The designated appropriate entity shall:

(a) identify the individuals and organizations, public, tribal, and private, that are interested in or affected by water management in the Clark Fork River basin;

(b) provide advice and assistance in selecting representatives to serve on the task force;

(c) develop, in consultation with the task force, appropriate opportunities for public participation in ~~the development of a~~ STUDIES OF Clark Fork River basin water management plan IN THE CLARK FORK RIVER BASIN; and

(d) ensure that all watershed and viewpoints within the basin are adequately represented on the task force, including a representation from the following:

(i) the reach of the Clark Fork River in Montana below its confluence with the Flathead River;

(ii) the Flathead River basin, including Flathead Lake, from Flathead Lake to the confluence of the Flathead River and the Clark Fork River. ~~At least one representative from this basin must be a representative of the Confederated Salish and Kootenai tribal government;~~

(iii) the Flathead River basin upstream from Flathead Lake;

(iv) the reach of the Clark Fork River between the confluence of the Blackfoot River and the Clark Fork

1 River and the confluence of the Clark Fork River and the Flathead River;

2 (v) the Bitterroot River basin as defined in 85-2-344; and

3 (vi) the Upper Clark Fork River basin as defined in 85-2-335.

4 (2) ~~The task force shall examine, for applicability to the water management plan, existing laws, rules,~~  
5 ~~plans, and other provisions affecting water management in the Clark Fork River basin, including:~~

6 ~~—— (a) the temporary closure of Bitterroot River subbasins pursuant to 85-2-344;~~

7 ~~—— (b) the closure of the Upper Clark Fork River basin pursuant to 85-2-336;~~

8 ~~—— (c) the restrictions on ground water development in the Upper Clark Fork River basin provided for in~~  
9 ~~85-2-337; and~~

10 ~~—— (d) the Upper Clark Fork River basin management plan, adopted as a section of the state water plan~~  
11 ~~pursuant to 85-1-203. Task force members shall serve 2-year terms and may serve more than one term. The~~  
12 ~~Confederated Salish and Kootenai tribal government must have the right to appoint a representative to the task~~  
13 ~~force.~~

14 (3) The task force shall:

15 ~~(a) monitor the implementation of the Clark Fork River basin water management plan;~~

16 ~~—— (b) refine and expand the plan as appropriate pursuant to 85-1-203;~~

17 ~~(c)(A) identify short-term and long-term water management issues and problems and alternatives for~~  
18 ~~resolving any issues or problems identified;~~

19 ~~(d)(B) identify data gaps regarding basin water resources, especially ground water;~~

20 ~~(e)(C) coordinate water management by local basin watershed groups, water user organizations, and~~  
21 ~~individual water users to ensure long-term sustainable water use;~~

22 ~~(f)(D) provide a forum for all interests to communicate about water issues;~~

23 ~~(g)(E) advise government agencies about water management and permitting activities in the Clark Fork~~  
24 ~~River basin;~~

25 ~~(h)(F) consult with local AND TRIBAL governments within the Clark Fork River basin; and~~

26 ~~(G) MAKE RECOMMENDATIONS, IF RECOMMENDATIONS ARE CONSIDERED NECESSARY, TO THE DEPARTMENT FOR~~  
27 ~~CONSIDERATION AS AMENDMENTS TO THE STATE WATER PLAN PROVIDED FOR UNDER 85-1-203 RELATED TO THE CLARK~~  
28 ~~FORK RIVER BASIN; AND~~

29 ~~(i)(H) report to the department and the legislature periodically;~~

30 ~~(I) THE DEPARTMENT ON A PERIODIC BASIS;~~

1           (II) THE ENVIRONMENTAL QUALITY COUNCIL ANNUALLY; AND

2           (III) THE NATURAL RESOURCES AND COMMERCE APPROPRIATIONS SUBCOMMITTEE EACH LEGISLATIVE SESSION.

3   ~~prepare a water management plan for the Clark Fork River basin pursuant to 85-1-203. The water management~~  
4   ~~plan must identify options to protect the security of water rights and provide for the orderly development and~~  
5   ~~conservation of water in the future.~~

6   ~~——— (4) The task force shall submit an interim report annually by October 31 on its activities to the governor~~  
7   ~~and the legislature.~~

8   ~~——— (5) The water management plan, including the information prepared by the task force under this section,~~  
9   ~~must be submitted to the 59th legislature, as provided in 85-1-203, by September 15, 2004. (Terminates April~~  
10   ~~15, 2005--sec. 6, Ch. 447, L. 2001.)"~~

11  
12           NEW SECTION. Section 2. Repealer. Section 6, Chapter 447, Laws of 2001, is repealed.

13  
14           NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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